

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of      Kristin JUGENHEIMER et al.

Group Art Unit:                Unassigned

Application No.:              Unassigned

Examiner:                      Unassigned

Filed:                          Hereinwith

Docket No.:                    **10546/55605**

For:                            APPARATUS AND METHOD FOR COMPRESSING BODY  
                                  TISSUE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.

a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

c. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).

3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

4. Relevance of the non-English language reference(s) is discussed in the present specification.

5. The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.

6. A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix attached hereto.

7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.

8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.

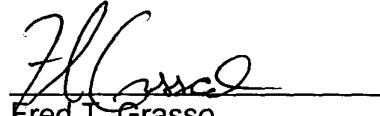
9. The reference(s) was/were cited by or submitted to the Office in parent application No. 09/957,356, filed September 21, 2001, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFR §1.98(d).

10. English-language Abstracts of the non-English language references are attached hereto.

11. Other.

Respectfully submitted,

KENYON & KENYON

  
Fred T. Grasso  
Registration No. 43,644

Date: September 12, 2003

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Substitute for form 1449A/PTO				<i>Complete If Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				Application Number	09/597,356
				Filing Date	September 21, 2001
				First Named Inventor	Kristin A. Jugenheimer, et al.
				Group Art Unit	3681
				Examiner Name	Unassigned
				Attorney Docket Number	10546/55602
Sheet	1	of	1		

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

**Examiner Signature** \_\_\_\_\_ **Date Considered** \_\_\_\_\_

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

**PTO - FORM 1449**  
**INFORMATION DISCLOSURE**  
**STATEMENT BY APPLICANTS**

	ATTY. DOCKET NO. 10546/55601	SERIAL NO. 09/443,219
	APPLICANTS Russell F. DURGIN, et al.	
	FILING DATE November 18, 1999	GROUP 3731

**U. S. PATENT DOCUMENTS**

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS/ SUBCLASS	FILING DATE*
	4,217,902	08/19/80	March		
	4,832,027	05/23/89	Utz		

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION	
					YES	NO
	WO 88 01486	03/10/88	WIPO			
	WO 98 18389	05/07/98	WIPO			
	WO 95 21575	08/17/95	WIPO			
	WO 86 06952	12/04/86	WIPO			
	DE 298 22 567	02/25/99	GERMANY			

**OTHER DOCUMENTS**

EXAMINER INITIAL	AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination 09/443,219 DURGIN ET AL.	
		Examiner	Art Unit	Page 1 of 1 Gary Jackson

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
*	A	US-6,183,486-B	02-2001	Show et al	606	151
*	B	US-6,171,321-B	01-2001	Bolduc et al	606	153
*	C	US-5,512,053-A	04-1996	Pearson et al	604	167.01
	D	US- -				
	E	US- -				
	F	US- -				
	G	US- -				
	H	US- -				
	I	US- -				
	J	US- -				
	K	US- -				
	L	US- -				
	M	US- -				

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	- -				
	O	- -				
	P	- -				
	Q	- -				
	R	- -				
	S	- -				
	T	- -				

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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Substitute for form 1448A/PTO				Complete if Known		
				Application Number	09/443,219	
				Filing Date	11/18/1999	
				First Named	R. F. Durgin et al.	
				Group Art Unit	3731	
				Examiner Name	Gary Jackson	
Sheet	1	of	1	Attorney Docket Number	10546/55601	
<b>U.S. PATENT DOCUMENT</b>						
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	1	5,398,844		ZASLAVSKY ET AL	03-21-1995	
	2	5,507,797		SUZUKI ET AL.	04-16-1996	
	3	5,368,600		FAILLA ET AL.	11-29-1994	
	4	3,760,810		VAN HOORN	09-25-1973	

<b>FOREIGN PATENT DOCUMENTS</b>						
Examiner Initials <sup>3</sup>	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office <sup>4</sup>	Number <sup>4</sup>			
	5	EP	0 774 237 A	U.S. SURGICAL CORPORATION	05-21-1997	
	6	EP	0 310 582 A	ASTRA MEDITEC AB	04-05-1989	
	7	EP	WO 96 40356 A	TECHNOLOGIES, INC.	12-19-1996	

<b>OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS</b>					
Examiner Initials <sup>5</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
	8	PCT /ISA/206 Annex, results of partial international search report			

Examiner Signature	Date Considered
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup>Unique citation designation number. <sup>3</sup> See attached Kinds of U.S. Patent Documents. <sup>4</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 18 if possible. <sup>7</sup> Applicant is to place a check mark here if English language Translation is attached.

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<b>Notice of References Cited</b>			Applicant/Control No.		Applicant(s)/Patent Under Reexamination			
			09/443,219		Russell F. Durgin et al			
			Examiner		Art Unit	Page 1 of 1		
			Gary Jackson		3731			
<b>U.S. PATENT DOCUMENTS</b>								
*		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	DOCUMENT SOURCE **	
							APS OTHER	
<input checked="" type="checkbox"/>	A	5,868,763	Feb. 1999	Spence et al	606	153	<input type="checkbox"/> <input checked="" type="checkbox"/>	
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<b>FOREIGN PATENT DOCUMENTS</b>								
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<b>NON-PATENT DOCUMENTS</b>								
*		DOCUMENT (Including Author, Title Date, Source, and Pertinent Pages)					DOCUMENT SOURCE **	
							APS OTHER	
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<input type="checkbox"/>	X						<input type="checkbox"/> <input checked="" type="checkbox"/>	

\*A copy of this reference is not being furnished with this Office action. (See Manual of Patent Examining Procedure, Section 707.05(a).)

\*\*APS encompasses any electronic search i.e. text, image, and Commercial Databases.

U.S. Patent and Trademark Office

PTO-892 (Rev. 03-98)

PTO-1449

**SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

ATTY. DOCKET NO. 10546/55601	SERIAL NO. 09/443,219
<b>APPLICANTS</b> Durgin, et al.	
FILING DATE November 18, 1999	GROUP 3721

**U. S. PATENT DOCUMENTS**

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	5,976,159	11/2/99	Bolduc et al.	606/142	2/8/96

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION	
					YES	NO

**OTHER DOCUMENTS**

EXAMINER INITIAL	AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PTO-1449

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**
ATTY. DOCKET NO.  
10546/55601SERIAL NO.  
Unassigned

APPLICANT - Durgin, et al.

FILING DATE  
HerewithGROUP  
Unknown**U. S. PATENT DOCUMENTS**

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS/SUBCLASS
	3,958,576	05/25/76	Komiya	128/346
	4,204,541	05/27/80	Kapitanov	128/334
	4,485,816	12/04/84	Krumme	128/334
	4,512,338	04/23/85	Balko et al.	128/1
	5,015,249	05/14/91	Nakao et al.	606/142
	5,049,153	09/17/91	Nakao et al.	606/151
	5,099,827	03/31/92	Melzer et al.	128/4
	5,100,420	03/31/92	Green et al.	606/143
	5,156,609	10/20/92	Nakao et al.	606/142
	5,163,343	11/17/92	Gish	81/120
	5,190,546	03/02/93	Jervis	606/78
	5,320,630	06/14/94	Ahmed	606/140
	5,324,307	06/28/94	Jarrett et al.	606/219
	5,356,424	10/18/94	Buzerak et al.	606/223
	5,383,882	01/24/95	Buess et al.	606/157
	5,405,378	04/11/95	Strecker	623/1
	5,423,834	06/13/95	Ahmed	606/140
	5,437,266	08/01/95	McPherson et al.	600/217
	5,449,375	09/12/95	Vidal et al.	606/213
	5,522,822	06/04/96	Phelps et al.	606/151
	5,569,268	10/29/96	Hosoda	606/140
	5,582,615	12/10/96	Foshee et al.	606/139
	5,582,616	12/10/96	Bolduc et al.	606/143
	5,603,694	02/18/97	Brown et al.	604/49
	5,624,453	04/29/97	Ahmed	606/140

	5,630,833	05/20/97	Katsaros et al.	606/213
	5,662,683	09/02/97	Kay	606/232

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION	
					YES	NO
	WO96/14020	05/17/96	JP	A61B 17/28	Abstract	
	WO96/16603	06/06/96	US	A61B 17/04		
	WO99/20183	04/29/99	GB	A61B 17/122		

**OTHER DOCUMENTS**

EXAMINER INITIAL	AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.

EXAMINER		DATE CONSIDERED
<b>EXAMINER:</b> Initial if citation is considered, whether or not citation is in conformance with M.P.E.P. 609; strike out citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		